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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/589,325	05/04/2007	Inderpal Singh Mumick	KIRU-0081-US	6517
64188	7590	04/02/2010	EXAMINER	
ASHOK TANKHA 36 GREENLEIGH DRIVE SEWELL, NJ 08080			HERRERA, DIEGO D	
			ART UNIT	PAPER NUMBER
			2617	
			NOTIFICATION DATE	DELIVERY MODE
			04/02/2010	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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prosecution@ipprocurement.com

Office Action Summary	Application No. 10/589,325	Applicant(s) MUMICK ET AL.	
	Examiner DIEGO HERRERA	Art Unit 2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 August 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 August 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Information Disclosure Statement

The information disclosure statement (IDS) submitted on 03/25/2010 was filed. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was

Art Unit: 2617

not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kleindienst et al. (US 20040019487 A1), and in view of Rukman (US 20040185883 A1).

Regarding claim 1. A method of communicating a message in a multimodal SMS communication (title, abstract, ¶: 2, 8, Kleindienst et al. teaches multimodal messaging), the method comprising:

creating the message (abstract, ¶: 9, Kleindienst et al. teaches compose, send and retrieve messages);

However, Kleindienst et al. may not teach generating an SMS message containing a link, which when activated allows a recipient to retrieve the message; nonetheless, it is well known in the art and in the same field of endeavor is taught by Rukman (abstract, title, ¶: 11, 13-16, 26, Rukman teaches SMS with category).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to specifically include message that can be accessed by the recipient, as taught by Kleindienst et al. for the purposes of including further information that may be limited by the SMS which includes MMS, mobile telephone, or e-mail, pictures, photos, speech and audio from wireless phone (¶:6).

Art Unit: 2617

assigning a unique message identifier to the SMS message (¶: 14, Kleindienst et al. teaches unique message identifier assign to the message whether it be SMS, MMS, text message, IM, or e-mail message), wherein the message identifier is associated with the recipient;

adding the message identifier to the SMS message (¶: 14, Kleindienst et al. teaches unique message identifier assign to the message whether it be SMS, MMS, text message, IM, or e-mail message);

storing the message identifier with the SMS message; and

transmitting the SMS message to the recipient via a connection that comprises a wireless network (fig. 1, 3, ¶: 31; Kleindienst et al. teaches sends a wireless message through a network);

wherein the message contains audio, text, or both audio and text (¶: 9, Kleindienst et al. teaches audio, text, or both; fig. 2).

Regarding claim 18. A computer-readable medium having computer-executable instructions to perform a method of communicating a message in a multimodal SMS communication, (title, abstract, ¶: 2, 8, Kleindienst et al. teaches multimodal messaging) the method comprising:

creating the message (abstract, ¶: 9, Kleindienst et al. teaches compose, send and retrieve messages);

However, Kleindienst et al. may not teach generating an SMS message containing a link, which when activated allows a recipient to retrieve the message; nonetheless, it is

Art Unit: 2617

well know in the art and in the same field of endeavor is taught by Rukman (abstract, title, ¶: 11, 13-16, 26, Rukman teaches SMS with category).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to specifically include message that can be access by the recipient, as taught by Kleindienst et al. for the purposes of including further information that may be limited by the SMS which includes MMS, mobile telephone, or e-mail, pictures, photos, speech and audio from wireless phone (¶:6).

assigning a unique message identifier to the SMS message (¶: 14, Kleindienst et al. teaches unique message identifier assign to the message whether it be SMS, MMS, text message, IM, or e-mail message), wherein the message identifier is associated with the recipient;

adding the message identifier to the SMS message (¶: 14, Kleindienst et al. teaches unique message identifier assign to the message whether it be SMS, MMS, text message, IM, or e-mail message);

storing the message identifier with the SMS message; and

transmitting the SMS message to the recipient via a connection that comprises a wireless network (fig. 1, 3, ¶:31; Kleindienst et al. teaches sends a wireless message through a network);

wherein the message may contain audio, text, or both audio and text (¶: 9, Kleindienst et al. teaches audio, text, or both; fig. 2).

Consider claim 2. The method of claim 1, further comprising:

accessing the SMS message by activating the link (abstract, ¶: 23, 32, Kleindienst et al. teaches accessing the SMS message).

Consider claim 3. The method of claim 1, further comprising:

the recipient providing an outgoing SMS message in reply to the SMS message by accessing the link (¶: 11, 13, Rukman teaches SMS and MMS message accessing link to further services).

Consider claim 4. The method of claim 3, wherein the outgoing SMS message is intercepted by an SMS center if the recipient is part of a defined subset of recipients (fig. 1, Rukman shows MMSC and SMSC and gateway between them).

Consider claim 5. The method of claim 1, wherein the unique message identifier is comprised of a user identifier combined with a network identifier and is assigned by a network pool (¶: 24, Kleindienst et al. teaches network system).

Consider claim 6. The method of claim 1, wherein the audio message is a voice mail message and wherein the link allows access to the voice mail message (¶: 9-11, 32, Kleindienst et al. teaches voice only mode).

Consider claim 7. The method of claim 1, wherein the message contains audio and wherein the step of creating the message comprises:

calling an assigned network number (¶: 57-59, Rukman teaches network gateway system for providing message); and

speaking the desired message (reference of Rukman has the ability of MMS messages, hence, audio message can be recorded).

Art Unit: 2617

Consider claim 8. The method of claim 1, wherein the step of transmitting the SMS message comprises:

sending the SMS message to a virtual service identifier number, wherein the SMS message is directed to a multimodal platform (title, abstract, ¶: 8, 31, Kleindienst et al. teaches Multimodal platform).

Consider claim 9. The method of claim 8, wherein the multimodal platform associates the virtual service identifier number with the recipient (title, abstract, ¶: 8, 31, Kleindienst et al. teaches Multimodal platform).

Consider claim 10. The method of claim 1, wherein the step of transmitting the SMS message comprises:

an SMS center intercepting the SMS message sent to the recipient if the recipient is part of a defined subset of recipients (fig. 1, Rukman shows MMSC and SMSC and gateway between them).

Consider claim 11. The method of claim 1, wherein the SMS message is converted into a multimodal SMS message (abstract, Rukman).

Consider claim 12. The method of claim 1, further comprising:

filtering the SMS message to determine if the sender of the text SMS message is a subscriber to a multimodal SMS service (title, abstract, ¶: 8, 31, Kleindienst et al. teaches Multimodal platform).

Consider claim 13. The method of claim 1, wherein a sender of the SMS message is a subscriber to a network carrier responsible for sending and delivering the message (¶: 24, Kleindienst et al. teaches network system).

Art Unit: 2617

Consider claim 14. The method of claim 1, further comprising:

converting the SMS message to a multimedia message, comprising dividing the text message into multimedia components (table 1, Kleindienst et al. teaches SMS text and Pictures).

Consider claim 15. The method of claim 1, further comprising:

adding a multimodal SMS link to a non-text portion of the message, if the outgoing message is directed to an instant message platform (abstract, Kleindienst et al. teaches IM platform for the multimodal messaging).

Consider claim 16. The method of claim 2, wherein the SMS message is a message from a voice message system (§§: 9-11, 32, Kleindienst et al. teaches voice only mode).

Consider claim 17. The method of claim 1, further comprising:

retrieving the SMS message by one of (i) activating the link and (ii) calling an access number, wherein the retrieval of the SMS message may result in a predetermined charge to the recipient (abstract, §§: 23, 32, Kleindienst et al. teaches accessing the SMS message).

Consider claim 19. The computer-readable medium of claim 18, wherein the method further comprises:

accessing the SMS message by activating the link (abstract, §§: 23, 32, Kleindienst et al. teaches accessing the SMS message).

Consider claim 20. The computer-readable medium of claim 18, wherein the unique message identifier is comprised of a user identifier combined with a network identifier and is assigned from a network pool (§§: 24, Kleindienst et al. teaches network system).

Examiner's note: Examiner has cited particular columns and line numbers and/or paragraphs in the references as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses to fully consider the reference in entirety as potentially teachings all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DIEGO HERRERA whose telephone number is (571)272-0907. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lester Kincaid can be reached on (571) 272-7922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2617

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Diego Herrera/
Examiner, Art Unit 2617

/LESTER KINCAID/
Supervisory Patent Examiner, Art Unit 2617